



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number SPK-2007-668-SG

Date: June 19, 2007

Comments Due: July 19, 2007

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Laughlin Regional Heritage Greenway Trail System project, which would result in impacts to approximately 0.39 acre of jurisdictional ephemeral wash and 0.69 acre of fringe wetlands along the Colorado River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Clark County Public Works, 500 South Grand Central Parkway, Las Vegas NV 89155. Authorized Agent: Brandon Harper, NewFields International, 8250 W. Charleston Blvd., Suite 100, Las Vegas NV 89117, telephone (702) 952-2072, email bharper@newfields.com.

LOCATION: The project is located between Davis Dam and Laughlin, Nevada, in Sections 1, 2, 10, 11, and 12 Township 32 South, Range 66 East, Mount Diablo Meridian, Clark County, and can be seen on the USGS Davis Dam 7.5 minute Topographic Quadrangle. The North American Datum 27 (NAD 27) Universal Transverse Mercator (UTM) for the center of the proposed project site is 721051 E/ 3896063 N. The project site is bounded by the Colorado River to the east, Davis Dam to the northeast and Laughlin to the south. Undisturbed desert borders the project site to the northwest, west, and southwest.

PROJECT DESCRIPTION: The proposed action is to construct a regional trail system, day-use area, and park for the growing numbers of residents and visitors that come to the Laughlin area each year. The proposed trails, trailheads, day-use area, and regional park would allow for public recreation on federal land that is currently difficult to access. In addition to constructing these facilities, this project proposes to remove a paved road, revegetate with native plants, and provide additional resource protection measures that would eliminate off-road vehicle use and other damaging activities that have adversely affected natural and cultural resources.

Trailhead 1 would be approximately 3.7 acres and would accommodate 50 parking spaces. Trailhead 2 would be approximately 0.9 acre in size and would accommodate 26 parking spaces. Trailhead 3 is planned as an equestrian trailhead and would be approximately 3.7 acres in size and would accommodate 200 parking spaces. A planned multi-purpose trail, located on the west side of Casino Drive from Laughlin Civic Drive to Trailhead 1, will be approximately 1,200 feet in length, 8-12 feet in width and accommodate pedestrians and bicycles, and provide for ADA access. Approximately 1.4 miles of equestrian trails, 8-12 feet in width, are planned between Trailhead 3 and the Discovery Site and between Trailhead 3 and the day-use area, with connections to the multi-use trails and river walk trails to form a loop trail for riders. Approximately 1.5 miles of river walk trails, 8-12 feet in width, would be constructed as a series of trails adjacent to the Colorado River connecting Trailhead 1 to the day-use area. A pedestrian and bicycle bridge would be constructed across State Route 163 to facilitate access from Trailhead 1 to the river walk trail.

A planned day-use area south of Davis Dam will cover approximately 23 acres, constructed over a former campground, and will accommodate 200 parking spaces and include a child's play area, open play area, shade structures, concession building, restrooms, signs, and lighting. In addition, the day-use area will have a lagoon constructed in uplands which will be 2.3 acres in size, and a stream pool which will be 0.08 acre in size, to serve as a recreational facility and

educational tool. The lagoon will require the excavation of approximately 13,100 cubic yards of material to construct and will be approximately 3 feet at the deepest point. Approximately 8 acre-feet per year of water would be diverted from the Colorado River via a diversion pipe at the north end of the lagoon to supply continuous fresh water. Water will then flow back into the Colorado River at the south end of the lagoon. The stream feature would be approximately 1,165 feet long with an average width of 3 feet. Approximately 0.08 acre-feet per year of water will be diverted from the Colorado River for the stream pool.

Fishing nodes or platforms will be constructed along the Colorado River to provide a safe, shaded, area for fishing and wildlife viewing. The precise location of the nodes will be determined during final site design but would be in the vicinity of the 1) the lagoon; the eastern end of the day-use area; between the day-use area and the Discovery Site; and at a river access point adjacent to Trailhead 2.

Three potential styles of fishing nodes are possible: (1) a cantilevered dock; (2) a traditional pier; and (3) a floating dock. The cantilevered dock could be constructed in adjacent uplands and extend over the water, although the distance from the dock to the water may be greater during periods of low river levels. The traditional pier would involve support pilings in the main stem of the Colorado River and, again, the distance from the pier to the water may be greater during periods of low river levels. The floating dock would have pilings similar to the traditional dock, but the fishing platform would rise and fall with river levels. The decision would be made during final design. It is anticipated each fishing node would be approximately 15-16 feet by 16-17 feet and extend between 5-10 feet over the Colorado River.

Up to two riparian islands would be constructed by excavating a shallow ditch within the uplands and narrow riparian band immediately parallel to the Colorado River during construction of the river walk trail. The soil plugs at each end of the ditch that connect with the River would be removed to isolate the existing bank and create narrow riparian islands. The larger and primary island would be located along the center of project alignment near the Discovery Site, the smaller potential island would be located approximately midway between the Discovery Site and the lagoon. Approximately 27,500 cubic yards of existing upland material would be excavated to convert what is the current river edge and bank into island habitat.

The proposed Regional Park will be 400 acres in size and include an Audubon International designed golf course which promotes ecologically sound land management and the conservation of natural resources.

Wetland creation and enhancement will ultimately occur on approximately 11.85 acres including creation of 2.70 acres of wetlands in the lagoon at the day use area and 8.46 acres of riparian wetlands along the Colorado River, and restoring and enhancing the existing 0.69 acre along the Colorado River. Five acres will be initially restored and vegetated as riparian and/or wetland habitat to offset the loss of about 1.08 acres of waters of the United States. Approximately 11.85 total acres will ultimately be created during other phases of the project and as additional funding becomes available. The created wetlands will have a more diverse plant palette, using native wetland/riparian species, and increase the habitat quality for native wildlife species.

Approximately 0.34 acre of ephemeral washes would be permanently filled to construct for the project. In addition, approximately 0.69 acre of wetlands will be temporarily impacted during construction of the river walk trail and emergency boat ramp, fishing node installation, and wetland enhancement activities along the shore of the Colorado River. Approximately 12,500 cubic yards of native earthen material will be excavated in waters of the U.S. along the river during the project in order to create the riparian wetland habitat. The attached drawings provide additional detail.

ADDITIONAL INFORMATION:

Environmental Setting. Sections 1 and 12 of the project site contain habitat along the Colorado River. This strip of habitat slopes steeply to the river and is approximately 20 feet wide. The habitat consists of a fairly narrow band of riparian vegetation consisting primarily of tamarisk (*Tamarix ramosissima*), quail bush (*Atriplex lentiformes*), and arrow weed (*Pluchea sericea*) with an occasional honey mesquite (*Prosopis glandulosa*). An abandoned campground in this parcel supports a mature stand of deciduous trees including cottonwood (*Populus fremontii*), palo verde (*Cercidium microphyllum*), honey mesquite, and tamarisk.

The remainder of the lands lies within the Mojave Desert Scrub Ecosystem-the most widespread ecosystem in Clark County. Shrublands occur below 4,000 feet elevation and include the Mojave mixed scrub and creosote bush/bursage plant communities; a minor catclaw community is interspersed within the two larger communities. The Mojave mixed scrub community consists primarily of creosote bush (*Larrea tridentata*). Associated species include bursage (*Ambrosia dumosa*), brittlebush (*Encelia farinosa*), sweetbush (*Bebbia juncea*), cheese weed (*Hymenoclea salsola*), Anderson's wolfberry (*Lycium andersonii*), *Opuntia* spp., and *Yucca* spp. The creosote bush/bursage community occurs in the valley bottoms and lowlands with gently sloping terrain and is characterized by most of the same species listed above. The catclaw community is widely scattered across Clark County, and occurs in the project area in intermittent streams and sandy washes. Catclaw (*Acacia greggii*) is typically associated with other shrubs such as cheese weed and sweet bush. Soil types vary widely from finely divided, poorly drained soils to coarser soil types (Rowlands et al. 1982).

Jurisdictional waters of the United States occurring within the project area total 3.52 acres. Approximately 0.69 acre of jurisdictional wetlands occurs within the project area along the Colorado River. Many of the ephemeral drainages contained upland vegetation species with little or no observed differences between the drainage and the adjacent uplands. The banks of the Colorado River and one large wash, flowing into the Colorado River just south of Davis Dam contain well-developed riparian vegetation including cat's claw acacia, palo verde, arrow weed, mesquite, and tamarisk.

Alternatives. In accordance with National Environmental Policy Act regulations, Reclamation, NPS, and BLM examined the following alternatives to the proposed action in the Final Environmental Assessment for the Laughlin Regional Park and Regional Greenway Trails-North Reach (April 2007):

- No Action
- Alternative 1- Trail system and day-use area
- Alternative 2- Trail system, day-use area, and water trail
- Alternative 3- Trail system, day-use area, and regional park (preferred alternative)
- Alternative 4- Trail system, day-use area, regional park, and water trail

Reclamation and the cooperating agencies considered a range of actions when developing possible alternatives for the proposed project. The following actions were considered and analyzed, but ultimately dismissed because they did not fully satisfy the objectives of this planning effort. Some of these alternatives were associated with security concerns, others were economically infeasible, and others conflicted with environmental concerns.

- Recreational Vehicle Overnight Camping Facility
- Boat Storage and Launching Facility

The Corps has also outlined criteria that it applies in its review of proposals to fill waters of the United States to identify potential alternatives.

Title CFR 230.10(a)(2) states that, "An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."

Thus, an alternative can be eliminated if it:

- Does not meet the project purpose and need
- Is not practicable because of cost
- Is not practicable because of existing technology
- Is not practicable because of logistics
- Is not the alternative least damaging to the aquatic ecosystem, or the alternative has other significant adverse impacts to the natural environment

Alternative 1 would result in the fill of 0.34 acre of jurisdictional waters of the United States and 0.69 acre of jurisdictional wetlands for a total of 1.03 acres. Alternative 1 contains elements which are common to all action alternatives for this planning effort. Together, these actions comprise a system of pedestrian and equestrian trails, trailheads, a riverwalk and a day-use area in the location described as the "North Reach" in the Open Space Master Plan.

Alternative 2 would result in the fill of 10.34 acres of jurisdictional waters of the United States and 0.69 acre of jurisdictional wetlands for a total of 11.03 acres. Approximately 10 acres of the Colorado River would be filled in order to create a strip of land separating the Water Trail from the river. The second alternative includes a system of pedestrian and equestrian trails, trailheads, and the day-use area described in Alternative 1, plus the addition of a recreational "water trail" along the west bank of the Colorado River.

Alternative 3 would result in the fill of 0.34 acre of jurisdictional waters of the United States and 0.69 acre of jurisdictional wetlands for a total of 1.03 acres. The third alternative includes the system of pedestrian and equestrian trails, trailheads, day-use area, and recreational use described in Alternative 1. In addition, an Audubon golf course and a regional park are proposed in the western portion of the project area, in Sections 10 and 11, south of State Route 163.

Alternative 4 would result in the fill of 10.34 acres of jurisdictional waters of the United States and 0.69 acre of jurisdictional wetlands for a total of 11.03 acres. Approximately 10 acres of the Colorado River would be filled in order to create the strip of land separating the water trail from the river. This alternative includes the system of trails, trailheads and ancillary supporting elements, the day-use area and lagoon, the river trail, and the golf and associated features described in the three previous action alternatives.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

An integral component of the project description includes the creation of wetlands. The area of excavation along the banks of the Colorado River and the lagoon area will be restored as wetlands. Five acres will be initially restored and vegetated as riparian and/or wetland habitat to offset the loss of about 1.03 acres of waters of the United States. Approximately 11.85 total acres will ultimately be created during other phases of the project and as additional funding becomes available. The created wetlands will have a more diverse plant palette, using native riparian species. Increasing the number of species of plants will increase the habitat quality and offer more food and shelter for various species of wildlife. Tamarisk will be removed and efforts will be made to prevent the recolonization of this invasive species.

OTHER GOVERNMENTAL AUTHORIZATIONS: The Bureau of Reclamation issued a Finding of No Significant Impact (FONSI) and Environmental Assessment for the proposed project. Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Nevada Department of Environmental Protection is required for this project. The applicant has indicated they have applied for certification. Other authorizations will include a Temporary Working in Waterways permit and those required by Clark County for construction activities.

HISTORIC PROPERTIES: Based on the applicant's report on the cultural resources in the project area the Davis Dam contractor's camp will be adversely impacted by the proposed project and mitigation measures will be necessary. The penstock fabricating plant will also be adversely impacted by construction of the recreational facilities and impacts must be mitigated. If mitigation measures are completed, impacts to cultural resources would be reduced to acceptable levels. The Bureau of Reclamation initiated consultation with the Nevada State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act. A Memorandum of Understanding will be signed by the SHPO and the cooperating agencies ensuring the approved mitigation measures will be completed.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat, such as for the desert tortoise (Mohave population), razorback sucker, and Southwestern willow flycatcher. The Bureau of Reclamation will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230). The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing **Public Notice No. SPK- 2007-668-SG**, must be submitted to the office listed below on or before **July 16, 2007**:

Steven W. Roberts, Project Manager
US Army Corps of Engineers, Sacramento District
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310
Email: steven.w.roberts@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant's agent, Brandon Harper at NewFields International, 702-952-2072, email bharper@newfields.com or the Corps' project manager Steven W. Roberts, 435-986-3979, steven.w.roberts@usace.army.mil.